IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL WRIT PETITION NO.2391 OF 2006

Dilip Pandurang Kamath .... Petitioner
Vs.
State of Maharashtra & Anr. .... Respondents

The Petitioner in person.

Sarvasri Raja Thakare with A.M. Chimalkar,
Special Public Prosecutors, for the CBI.

Shri M.S. Mhambre, APP, for the State.

CORAM: R.M.S. KHANDEPARKAR &
S.R. SATHE, JJ.

DATED: JULY 17, 2007

P.C:

1. Heard the petitioner in person and the learned counsel for the respondents. The only grievance which is sought to be made in this petition is to the effect that the criminal proceedings arising out of C.R.No.78 of 1998, against the petitioner, should be continued in Mumbai and should not be allowed to be taken up at Pune where the petitioner is being tried for the offences alleged to have been committed by him under the MCOC Act.

2. The affidavit in reply filed on behalf of the respondents describes the circumstances in which the C.R.No.78 of 1998 came to be registered and it reads

thus:

> "As regards CR No.78/98 this applicant/accused has been prosecuted for having prepared false documents in the said case and also having committed extortion from one Ahmed Turk and this case is in respect of counterfeit Govt. Stamps and Stamp Papers which was also used for the purpose of retaining the custody of Kingpin AKL Telgi with Unit-V, Dharavi Crime Branch. The charge sheet in this case has been filed for the offences punishable U/s 120-B r/w. 109, 193, 218, 256, 258, 259, 343, 347, 348, 473, 420 IPC and Section 63(b) of Bombay Stamp Act, 1958 and substantive offences thereof."

3. The learned counsel appearing for the CBI has stated that the subject-matter of the MCOC proceedings does not include the proceedings arising out of the C.R.No.78 of 1998 and those proceedings are being independently tried at the Mumbai Court. On the said statement being accepted, we do not find any substance in the grievance made by the petitioner in this petition. Once it is clear that the proceedings arising out of the C.R.

No.78 of 1998 are independent of the proceedings which are conducted against the petitioner in the MCOC Court at Pune, and further that the proceedings arising out of the C.R.No.78 of 1998 are being conducted in the Court at Mumbai, the entire petition, in our considered opinion, is without any substance and is liable to be rejected. The petition is, therefore, dismissed.

(S.R.Sathe, J.) (R.M.S.Khandeparkar, J.)

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